

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	CIVIL NO. 11-00243 DAE RLP
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	GRANT PLAINTIFF'S EX PARTE
v.)	MOTION FOR DEFAULT JUDGMENT AND
)	FOR DECREE OF FORFEITURE
ONE (1) MOTHER OF PEARL AND)	
BLACK CORAL (<i>ANTIPATHARIA</i>))	
PENDANT,)	
)	
Defendant.)	
)	
)	

FINDINGS AND RECOMMENDATION TO GRANT PLAINTIFF'S EX PARTE
MOTION FOR DEFAULT JUDGMENT AND FOR DECREE OF FORFEITURE¹

Before the Court is Plaintiff United States of America's Ex Parte Motion for Entry of Default Judgment and for Decree of Forfeiture, filed on June 15, 2011 ("Motion"). The Motion was brought pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, 18 U.S.C. § 983(a)(4), and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. The Court finds this matter suitable for disposition without a hearing pursuant to Rule 7.2(d) of the Local Rules of Practice of the United States District Court for the District of Hawaii. After carefully reviewing the pleadings

¹ Within fourteen (14) days after a party is served with a copy of the Findings and Recommendation, that party may, pursuant to 28 U.S.C. § 636(b)(1)(B), file written objections in the United States District Court. A party must file any objections within the fourteen-day period allowed if that party wants to have appellate review of the Findings and Recommendation. If no objections are filed, no appellate review will be allowed.

and relevant legal authority, the Court FINDS that the required notice has been given and the time to file a verified claim has expired and RECOMMENDS the entry of default judgment and decree of forfeiture.

Specifically, the Court FINDS:

1. That process was duly issued in this case and that the above-captioned defendant property was duly seized by the United States Fish and Wildlife Service pursuant to said process;

2. That no entitled person or entity has filed any claim or answer within the time fixed by law;

3. That on May 31, 2011, default was duly entered against any and all persons and entities claiming or having any interest in the defendant property, including Cecelia Ikyasang and Iblai Ikeya (Docket No. 7-4); and

4. That the allegations contained in the Complaint for Forfeiture (Docket No. 1) are taken as admitted.

Based upon the above findings, and the Court RECOMMENDS:

1. Default judgment be entered against the defendant property;

2. All persons claiming any right, title or interest in or to the defendant property be held in default, including Cecelia Ikyasang and Iblai Ikeya;

3. The defendant property be forfeited to the United States of America; and

4. The United States Fish and Wildlife Service be directed to dispose of the above-captioned defendant property in accordance with law.

IT IS SO FOUND AND RECOMMENDED.

DATED AT HONOLULU, HAWAII, JULY 6, 2011




Richard L. Puglisi
United States Magistrate Judge

UNITED STATES OF AMERICA V. ONE (1) MOTHER OF PEARL AND BLACK CORAL (ANTIPATHARIA) PENDANT; Civil No. 11-00243 DAE-RLP; FINDINGS AND RECOMMENDATION TO GRANT PLAINTIFF'S EX PARTE MOTION FOR DEFAULT JUDGMENT AND DECREE OF FORFEITURE